



**Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.:** 52  
**AGENDA DATE:** Thu 06/17/2004  
**PAGE:** 1 of 3

**SUBJECT:** Conduct a public hearing and approve an ordinance for a variance from the Land Development Code to allow construction of a bathroom and kitchen addition to the residence at 2713 Cascade Drive in the 100-year floodplain of Shoal Creek.

**AMOUNT & SOURCE OF FUNDING:** N/A

**FISCAL NOTE:** A fiscal note is not required.

**REQUESTING** Watershed Protection and **DIRECTOR'S**  
**DEPARTMENT:** Development Review **AUTHORIZATION:** Joe Pantalione

**FOR MORE INFORMATION CONTACT:** Gary Kosut, 974-3374; Martha Vincent, 974-3371

**PRIOR COUNCIL ACTION:** N/A

**BOARD AND COMMISSION ACTION:** N/A

**PURCHASING:** N/A

**MBE / WBE:** N/A

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**The Watershed Protection and Development Review Department Recommends Denial of this variance request. See last paragraph below for explanation.**

The applicant, Mr. Randy Turner, proposes to construct a new bathroom and kitchen and convert the existing garage into a bedroom at a single-family residence at 2713 Cascade Drive. A building permit was issued on April 28, 2004 for the proposed construction. The permit was approved and issued "on condition that finished floor of (the) addition be one foot above (elevation) 684.16 ft. - minimum finished floor elevation of 685.16 ft.". The existing house is within the 100-year flood-elevation (684.16 ft.) of Shoal Creek. The existing house has a finished floor elevation of 684.50 ft. according to a survey by a Texas Registered Professional Surveyor.

Building Code, Appendix Chapter 58, Article 8 requires that: "All new and substantial improvements of residential structures shall have the lowest floor .... elevated above the adjacent grade at least as high as the depth number specified in feet on the City's Flood Insurance Rate Map plus one foot of freeboard...". Mr. Turner seeks a variance from the City of Austin Code related to floodplain development to allow the proposed new construction to be built with a finished floor elevation of 684.50 ft. (to match the finished floor elevation of the existing "non-complying" home) rather than the minimum finished floor elevation of 685.16 ft. as required by the Code. Mr. Turner states that "it is not feasible to create ramps or steps as obstacles to be overcome by an elderly and disabled person (resident)".

**APPLICABLE CODE:**



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LDC Section 25-7-92 prohibits construction of buildings or parking areas in the 25-year flood plain and restricts encroachment on the 100-year flood plain.

Building Code, Appendix Chapter 58, Article 8 outlines procedures for consideration of flood plain development and evaluation of variance requests.

**PREREQUISITES FOR GRANTING VARIANCES:**

Variations shall only be issued upon:

- 1) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 2) Showing a good and sufficient cause;
- 3) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
- 4) A determination that granting a variance would not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.

**VARIANCE PROCEDURES:**

- 1) The City Council shall hear and render judgment on requests for variances from the flood plain management regulations specified in Building Code Appendix Chapter 58. Variances shall not be issued within any designated floodway (25-year floodplain) if any increase in flood levels during the base flood (100-year flood) discharge would result. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing relevant factors have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases. The relevant factors to be considered are:

The danger to life and property due to flooding or erosion damage;

- 2) The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owner;
- 3) The danger that materials may be swept onto other lands to the injury of others;
- 4) The compatibility of the proposed use with existing and anticipated development;
- 5) The safety of access to the property during times of flood for ordinary and emergency vehicles;
- 6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- 7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site;



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- 8) The necessity to the facility of a waterfront location, where applicable;
- 9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- 10) The relationship of the proposed use to the comprehensive plan for the area.

The recommendation to deny the variance is based on the following findings with reference to the prerequisites listed above:

1. The first prerequisite item refers to "relief" meaning relief from exceptional hardship. There is no exceptional hardship - the applicant has use of his property, in compliance with code, to build the addition to their home.
2. There is not good and sufficient cause to allow this applicant a variance from code provision that the property owners have been required to comply with.
3. See above. Exceptional hardship refers to the complete loss of use of the property in compliance with code. It is a characteristic of the land. It does not refer to the personal or financial circumstances of the current owner of the land.
4. The applicant requests a variance to place the finished floor of the new construction some 8-inches lower than required by the Building Code, Appendix Chapter 58, Article 8. (This ordinance provides for City of Austin regulation of the floodplain in conformance with and in accordance to the FEMA, National Flood Insurance Program regulations.) Although there is no increased flood height or major safety of access issue, the proposed construction will not comply with FEMA regulations and the City of Austin's failure to regulate its floodplain in accord with FEMA regulations may lead to increased flood insurance rates for all citizens in the community.

W MICHAEL MURRAY

January 5, 2004

The Planning Commission of Austin, Texas

Dear Commission Members:

I am writing to support the application of Melton West to waive the compatibility height restrictions so that he may complete the modifications to his condominium unit at the Encinal Condominiums.

I am President of the Encinal Condominium Owners Association. In this position, I am also Chairperson of the Board of Directors. I would first like to state that Mr. West's proposed changes to his unit were properly submitted to the Board and the Association on several occasions. In no case was any opposition, either verbal or written, received by the Board prior to Mr. West's receiving final approval to go forward with construction. Since construction on the project has been stopped, I have personally discussed the situation with two owners, only one of whom still opposes the modifications. I believe that the opposition arose because of the negative visual impact of the unit in its current state.

Since the overall height of the condominium project already exceeds the proposed height of Mr. Melton's unit, I do not believe that granting his requested waiver will have any negative effect on the project. Personally, I believe that the changes that Mr. Melton has proposed will be beneficial to the entire condominium project and will enhance the overall aesthetics and value of the project.

Sincerely,



W. Michael Murray

David Gentry  
Gentry Custom Frames  
1500-a W. 5<sup>th</sup> St.  
Austin, TX 78703

April 3, 2004

Planning Commission  
City of Austin  
P.O. Box 1088  
Austin, TX 78767

Dear Commission:

Please consider Melton West's zoning variance for his condominium at the Encinal, 1106 W. 6th St.

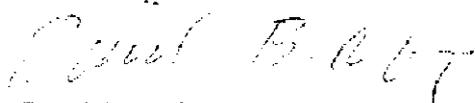
I am very familiar with this neighborhood, as I own a picture framing business two blocks west, and one block south of his condo. In my opinion, his proposal is not out of character with the existing structures along the adjacent blocks of 6<sup>th</sup> St.

I frequent the businesses along that block of 6<sup>th</sup> St. every week, and have considered Melton's project for some time—often while walking to Sweetish Hill, Z Tejas, or Whit Hanks. The complex is built up the side of a hill, and his proposed addition's height does not appear out of character with the existing structures. Though it may technically exceed the zoning specifications, in relation to the adjacent property, it seems to blend right in with the steep hillside. The entire property is nicely shielded with huge live oaks that provide a significant buffer to the street.

I have visited the Encinal, and I do not see that his proposed project would be deleterious to his neighbors' property or views. In fact, the rest of the property seems to be in a state of decline, and his addition may encourage a renaissance of renovation for all of the units.

To conclude, I support Melton West's petition for a variance.

Sincerely,



David B. Gentry

**Kirk S. Petersen**  
**12440 Alameda Trace Circle, #1518**  
**Austin, TX 78727**  
**(512) 750-6879**

April 5, 2014

City of Austin Planning Commission  
1000 Bldg 1068  
Austin, TX 78767  
Rm 1106 West 70 Street, Unit 301

Mr. William McLean, Chair

I am writing to express my views and opinions in support of the Height Waiver Request submitted to you by Mr. Milton West. It is important to note that I hold a real estate license with the State of Texas and presently work as a mortgage servicer for the oldest alternative lender in Texas. I have a degree in civil engineering and have worked on numerous development projects throughout Texas.

As a long-time resident of Austin, I am very familiar with properties in the Clarksville/Castle Hill area. In fact, I have owned and worked in the area, both just a few blocks from his home. I am also familiar with the improvements that Mr. West is planning for his house at 1518. I applaud the proposed improvements and feel that the improvements create a wonderful example of a well-maintained property in the area. I also know that the rather obnoxious through-traffic associated with the current zoning change, whichever it is, will be kept in mind that neighborhoods are growing and changing, or they are dying and deteriorating – never are they static.

Reasons to grant the variance are due to the following dates:

- The improvements proposed are in line with other improvements being made in the area and are aesthetically pleasing to those and hardly visible from the street or surrounding properties.
- The fact that the area is predominantly commercial and on a very busy street. Any construction that would encourage residential use in the area would be a benefit to other residences in the area, as well as surrounding businesses.
- The improvements will increase the property values of other units at 1518 as well as surrounding residential properties. This means that the tax basis increases. With current budget challenges, I think it is in the best interests of the Commission, the City, and Austin residents to collect as much revenue as possible from these sorts of projects.
- Current challenges in the area are taller than the improvements proposed by Mr. West. It would be preferable to just bring other properties in the area up to current standards.
- Improvements proposed by Mr. West secure the safety and structural integrity of the building. This will benefit other residents of 1518 as well as that of surrounding properties. It is my understanding that the building was in compliance with any building codes at the time of original construction. Obviously, the improvements should bring a number of items up to current 2014 standards.

Please feel free to contact me as indicated above, at anytime, with your questions or to verify the authenticity of this letter.

Best Regards,



Kirk S. Petersen

WAYNE BAILEY, P.C.  
Attorney At Law  
2750 Justin Lane, Suite 115  
Austin, Texas 78757  
(512) 363-8376; Fax: (512) 380-0864

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April 1, 2004

City of Austin Planning Commission  
P.O. Box 1088  
Austin, TX 78761

Re: Height Waiver at 1106 W. 6<sup>th</sup> Street Unit 301  
Property Owner: Melton West

Dear Sirs:

I am writing in support of the application for waiver of height restriction filed by Melton West, the owner of the property referenced above.

I grew up in and around the Austin area and moved back here after attending law school in Houston. I appreciate the unique flavor of the Austin experience and have no desire to see the quality of life diminished by building projects that damage that uniqueness in anyway.

I have known Mr. West for some time and have had the opportunity to visit him in his home on many occasions. He has hosted fundraisers for both local and national charities at his property. The Linnal is wonderful enclave in the midst of several commercial properties and is an example of urban living at its best. Mr. West's planned addition to the property in no way diminishes that experience and in fact, in my opinion, only serves to strengthen the character and beauty of the neighborhood and increase his neighbors' property values.

The planned addition will not be a black eye, painfully obvious to all who pass by. In fact, the completed addition will not be as tall as several existing buildings in the vicinity, most notably the MSD Building and the Garden Condominiums at 1115 W. 6<sup>th</sup>. In any event, because the Linnal is located on a heavily treed lot with many mature oak trees,

and because the canopies of the trees, together with the setback of the buildings, obscure the buildings from the street, the increased height would go unnoticed by most anyway.

Accordingly, I lend my support for Mr. West's application and ask that his plans be approved as submitted.

Very Truly Yours,



Wayne Bailey  
WB:jr

April 4th, 2004

City Planning Commission  
City of Austin  
Austin, TX

RE: Motion West Height Waiver Request for 1106 W 6th St

Dear Commission Members

I have been watching the construction of the top floors of the new commercial building at 1106 West 6th Street in Austin, Texas. After thinking about the apparent storage of the project, I was pleased to see the use of the work structure in place. I think that the project is an asset to the central business district and the surrounding community.

The height of the structure should not be an issue because of the blending of the structure with the surrounding buildings, as well as the scope of the project. There are structures with similar heights and styles in the area, and the structure under review fits in with the surrounding buildings with their elevations as one travels up the hill.

Mr. West has apparently taken great care in carefully planning an aesthetically appealing structure. It is a structure with large steel beams supporting it. This not only improves the structure's appearance but also the surrounding properties because of the steel reinforcement. He has also provided the...

As a City of Austin property owner, I would hope that more residential structures in Austin would be built with steel reinforcement and with such careful blending into the city's past.

Thank you for a successful height waiver for Mr. West to complete the construction and renovation at 1106 W 6th Street.

Respectfully,

John S. Hogg MD

4109 Jefferson Street  
Austin, Texas 78731  
April 2, 2004

City of Austin Planning Commission  
P O Box 1088  
Austin, Texas 78767

Re: Encinal Condominium construction

Dear Planning Commission:

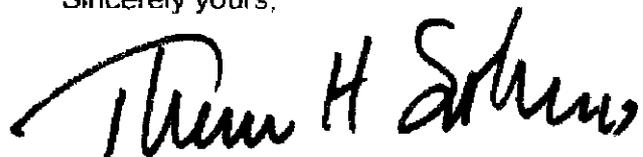
I have resided in central Austin for the last 20 years and enjoy the architectural integrity of our city. I am writing in regard to the construction in the Encinal Condominiums, specifically 1106 W 6th Street, Unit 301, 78703.

This Condominium has many special features which include a very sloped grounds and varying heights of the units as well as tall trees. The current structural improvement, which can be determined by its completed skeleton, harmonizes with and complements the existing neighboring structures. The slope of the property allows the new construction to blend in with its environment inconspicuously.

In my opinion, the improvements fit in well with the immediate surrounding area, which includes buildings of a greater height than this structure. It also balances the newer downtown construction of urban residences.

I support the allowance of a waiver to complete the construction on this project.

Sincerely yours,

A handwritten signature in black ink that reads "Thomas H. Smith". The signature is written in a cursive, flowing style with a large initial 'T'.

Thomas H Smith, MD

Terry M. Franz  
1904 Kenwood  
Austin, Texas 78704  
512-447-8768  
[tmfranz@airmail.net](mailto:tmfranz@airmail.net)

April 4, 2004

City of Austin Planning Commission  
PO Box 1088  
Austin, Texas 78767

Dear Planning Commissioners:

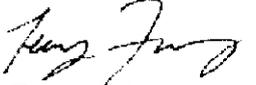
Please consider my letter in support of Melton West's request for a waiver for the height of his residence at 1106 West 6<sup>th</sup> Street, Unit 301. I am a 19-year Austin resident, and for 15 of those years I have lived in Austin's inner-city. I love Austin and plan to spend my life here.

The height of Mr. West's residence is not noticeable except from a few points in the neighborhood. The topography of the area and the many trees in the neighborhood conceal his residence from most vantage points, even on the streets nearest to his property. In fact, the height of his residence is consistent with heights of several other nearby residences, including the Garden Condominiums, residential suites in the AISD complex, and several residences on nearby Baylor Street.

Secondly, the improvements he is making to his property will enhance the value of his and his neighbors' properties.

Thank you for your consideration. I hope you will support Mr. West's variance request for his residence.

Sincerely,

  
Terry M. Franz

# A. Arro Smith

909 West 29<sup>th</sup> Street, Austin, Texas 78705 512/294.8646

2 April, 2004

City of Austin Planning Commission  
P.O. Box 1088  
Austin, TX 78767

Dear Commission Members:

I understand that Mr. Melton West of 1106 West Sixth Street is petitioning your Board for a zoning variance. I urge you to approve Mr. West's request for two main reasons:

Mr. West has lived in Austin for many years, and understands the unique texture and tenor of central Austin. I have great faith that his proposed addition will blend into the eclectic blend of architecture already present on West Sixth Street. I have reviewed his plans, and find them aesthetically compelling.

I have been a friend of Mr. West for many years. Before his current construction project began, I was privileged to be a guest at his apartment for many charitable functions. He is a dedicated philanthropist that has unselfishly raised thousands of dollars for deserving organizations. It is rare to find a private home so well suited for small charity functions. With its location on West Sixth Street, there is always plenty of parking; and it is easy to find without disturbing the neighbors. I am confident that his proposed addition will continue to serve many in the community through his networking generosity.

Thank you for your consideration.



April 3, 2004

City of Austin Planning Commission  
P.O. Box 1088  
Austin, TX 78767

Dear Sirs

I am writing regarding the renovation efforts of Melton West at the Encinal Condominiums, 1106 W. 6<sup>th</sup>, Unit 301, Austin.

I came to Austin 40 years ago from Houston. I remember when the Austin's population was about 60,000. I am very familiar with this neighborhood. I have lived in the immediate neighborhood, and I have many fiends who have lived in the neighborhood.

I remember when the Encinal was constructed. There was some controversy that the complex was destroying a family neighborhood. Now it is one of the few remaining residences actually on 6<sup>th</sup> Street, surrounded by businesses.

I do not feel that the new height of the structure does any harm to the area. The Encinal is surrounded by commercial properties, and there are several taller buildings within a block. I feel that Mr. West's unit is actually hard to see from much of the surrounding neighborhood. I have tried to point it out to friends while driving through the vicinity, and it is hidden behind trees and other buildings. When one does get into a position to clearly see the complex, I feel that Mr. West's unit compliments the whole.

It is my belief that Mr. West deserves the opportunity to complete his project. I understand that he has tried to work with the City to arrange satisfactory compromises and that the work actually includes structural improvements. I hope that the City will find a way to allow the work to successfully go forward.

Thank you for your time on this matter.

Sincerely,



Dennis Ciscel  
8023 Doe Meadow Dr.  
Austin, TX 78749

**JIM CARUTH**

1811 SANTA CLARA ST. • AUSTIN TX 78757  
PHONE 512-453-8878

April 5, 2004

City of Austin Planning Commission  
P.O. Box 1088  
Austin TX 78767

To the Planning Commission:

I am writing to support Melton West's residential construction project at 1106 West Sixth Street. Although the addition to his residence rises beyond the height restriction for that property, it does so by only a few feet. I feel that the few extra vertical feet that the construction requires does not detract from the property or from the neighborhood. There are other buildings in the immediate vicinity that are taller.

Melton West's partially constructed addition has been in existence for well over a year. I have seen it many times. The variable, stair-stepped elevations of the buildings at 1106 West Sixth Street allow the Melton West's addition to fit in with the surrounding buildings. Also, the area's varying ground elevation places other buildings at a higher absolute elevation, although they may not be as tall as Mr. West's addition. Consequently, Mr. West's addition doesn't protrude noticeably, as it might in an area of flat topography and structures of uniform height.

I hope that the Planning Commission will grant a waiver to the height restriction and allow Melton West to complete his addition.

I live in Brentwood, and as a former member of the Brentwood Neighborhood Association's steering committee, I am sensitive to neighborhood planning decisions. I have lived in Austin since 1995, and also lived in Austin from 1973 to 1979.

Thanks for your consideration.

Sincerely,



Jim Caruth

April 4, 2004

City of Austin Planning Commission  
P.O. Box 1088  
Austin, Texas 78767

Dear Planning Commission Members:

As a long-term resident of the Austin community, I feel compelled to express my dismay over the halt of the construction/remodeling project at 1106 W. 6<sup>th</sup> St., Unit 301. I feel that a waiver should be granted to Melton West in order for the construction to continue, as there is no reasonable explanation as to why it should not. Surrounding the property, there are several other residential buildings that exceed the height and with much more intrusive and obvious appearance than what this Encinal property will have once completed. This property expansion is so inconspicuous that those walking and driving down 6<sup>th</sup> Street more often than not, will never notice any change. Helping this inconspicuous appearance is the fact that the new construction blends into the existing structure and complex and I feel will only increase the property valuation of the surrounding units and properties. In addition to a blended appearance of the architecture, there are beautiful and very large trees surrounding the structure and property that almost completely hide the structure from the primarily commercial area around the property.

Thank you for your attention to planning matters that are very important to our community. I hope that you will grant Melton West with the necessary approval to complete this project, which will only add value and beauty to our wonderful city!

Sincerely,



Steve Overman  
3105 Lafayette Avenue  
Austin, Texas 78722  
soverman@austin.tx.com

5624 Woodrow Avenue  
Austin, Texas 78756

April 4, 2004

City of Austin Planning Commission  
Post Office Box 1088  
Austin, TX 78767

To the Members of the Planning Commission:

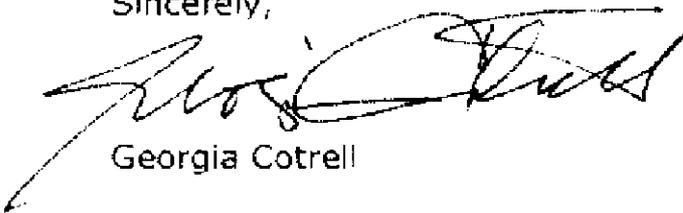
This is in support of Melton West's application for a height waiver for his home at 1106 West 6<sup>th</sup> Street, Unit 301, of the Encinal Condominiums. I am a long-time resident of Austin, having moved here from San Antonio in 1971.

Frankly, I have never understood why there's been any issue whatsoever with the height of Melton's beautiful condo redesign. With those huge oaks and pecans in front, you can barely see his place from 6<sup>th</sup> Street. And there are *definitely* more than just a few buildings very close by Encinal that are obviously taller than Unit 301.

I feel that his creative and attractive design is going to do nothing more or less than vastly improve the Encinal, as well as the OWANA area in general.

I urge you to grant him this waiver and allow the project to come to completion.

Sincerely,

A handwritten signature in black ink, appearing to read "Georgia Cotrell", written in a cursive style. The signature is positioned above the printed name.

Georgia Cotrell

1800 Rainy Meadows  
Austin, TX 78757

City of Austin Planning Commission  
P.O. Box 1088  
Austin, TX 78767

April 3, 2004

To Whom It May Concern:

I have known and respected Melton West for ten years. During this time, he has been a responsible citizen of Austin, Texas. He has strived to be a good citizen and improve the quality of Austin as a city. I am writing this letter to request that you grant a waiver regarding the height of the new construction at 1106 W. 6<sup>th</sup> Street, Unit 301.

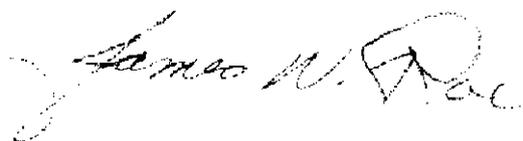
There are several reasons that I do so. Firstly, the property is surrounded on three sides by commercial property, Z-Tejas, Whit Hanks Furniture and AISD complex across the street. Secondly, the property is on 6<sup>th</sup> street a commercial street. Finally, there are several properties nearby that are taller than the construction for which Mr. West is requesting a waiver. These properties are: 1) the Garden Condominiums at 1115 W., 2) the AISD complex's residential suites and 3) several residences on Baylor street.

Because of the other structures at the same height or higher, the commercial nature of the area, the mature trees that shield the expansion and the fact that the expansion adds value to the existing properties in the complex, I believe it is quite appropriate that a height waiver be granted. Mr. West has always been tasteful in his approach to his property, both inside and out. The small extra height will not be obtrusive or even really seen because of the large trees.

Again, I am requesting that you approve the height waiver for Mr. West's property at 1106 West 6<sup>th</sup> Street.

I do thank you for giving me an opportunity to express my views.

Sincerely,

A handwritten signature in black ink that reads "James N. Roe". The signature is written in a cursive style with a large initial "J" and "R".

James N. Roe

April 5, 2004

City of Austin Planning Commission  
P.O. Box 1088  
Austin, TX 78767

RE: 1106 W. 6<sup>th</sup>, Unit 301  
Property of Melton West

To Whom It May Concern:

I am writing you in support of the improvements on the above address. I understand that modifications were necessary to address structural problems and that the modifications will bring the unit in line with current fire and building code. I believe the building's additional height will not be conspicuous and will upscale the entire condominium complex and surrounding area. The renovations should increase property values and consequently the tax base.

I am a native of Austin and have lived primarily in the 78703 and 78704 areas since 1950. I witnessed the development of that specific area and am familiar with the Encinal Condominiums. The revitalization of the area, including the new Whole Foods office building only one block away, is complemented by the upgrade of this property.

I am in full support of granting the height waiver. Thank you for your attention in this matter.

Sincerely,



Dwight Spears  
2210-A Quarry Rd  
Austin TX 78703  
Phone: 512-236-8900

[dwight@dwightspears.com](mailto:dwight@dwightspears.com)

April 5, 2014

Thom Washington  
1304 Summit Street, Unit 214  
Austin, Texas 78741

To the Members of the Planning Commission:

I have been recently made aware of the proposal for a waiver of zoning restrictions in regards to the home improvement to Unit 301 at 1106 W. 6<sup>th</sup> St. I would like to voice my support for waiving these restrictions. I can understand the need for such regulations as they ensure the integrity of the neighborhood. However, I can not see that the modifications that Mr. West is proposing would detract from the integrity of the neighborhood but rather it seems to me to be a vast improvement. I do not find that this construction, when completed, will cause the structure to be out of proportion to the other buildings around it, nor would it be easily visible from any of the adjoining streets.

I have always enjoyed the architectural styles of the buildings in Old West Austin and I would be vehemently opposed to anyone who would build a structure that would take away from the neighborhood character. In my opinion this project can only serve to add to people's enjoyment of the city. Additionally, the owners of the project have invested a great amount of capital into the renovations and to deny the waiver would be financially debilitating to them.

Once again, please include me as very much in favor for Mr. West's request for a waiver to the restrictions that are blocking this much anticipated progress.

Sincerely,

Thom Washington  
407-3658



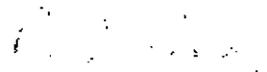
April 5, 2004

City of Austin Planning Commission  
P.O. Box 1088  
Austin, TX 78767

RE: Request for height waiver at 1106 W. 6<sup>th</sup> Street, Unit 301

I am writing in support of Mr. West's application for a height waiver for his home at 1106 W. 6th St. As a long time resident of Austin, residing at 1300 Norwood Rd. on property that adjoins the old airport, I am very familiar with the many changes occurring in our city. I feel that the changes that Mr. West wishes to incorporate into his residence will not only increase its value, but also that of his neighbor's properties and the general area as well. As a taxpayer and registered voter, I urge a favorable ruling for his application.

Respectfully,



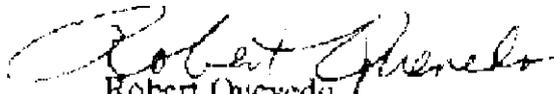
Paul Raney,  
1300 Norwood Road  
Austin, TX 78722  
512-517-2748

City of Austin Planning Commission  
P.O. Box 1088  
Austin, TX 78767

The purpose of this letter is to request a height waiver for the new construction on Unit 301 at 1106 W 6<sup>th</sup> Street.

My name is Robert Quevedo and I have lived in Austin for the past 7 years. I have had the pleasure of spending time in the shops, restaurants and galleries with friends and family in or about the 1100 block of West 6<sup>th</sup> street. Much to my surprise the Encinal complex is never noticed. Even with Melton West's expansion to his property, I still find myself pointing out the complex and the buildings to them. The tall old trees and the surrounding buildings do an excellent job of helping the complex blend in. The complex has uniqueness to it and its integrity is not being compromised by the construction. It would add a more distinct character to it. The change would definitely improve not only the appearance of the property but also add value to it.

Sincerely,

  
Robert Quevedo  
7104 Tesoro Trail  
Austin, TX 78729

April 4, 2004

David Swin  
1707 Mariposa Drive  
Austin TX 78743

City of Austin Planning Commission  
P.O. Box 1088  
Austin TX 78767

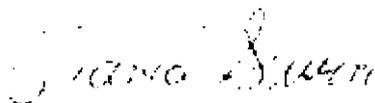
Dear Planning Commission,

I am a have lived in Austin since escaping Oklahoma in 1985. I have owned property in Austin since 1987. I am writing you in support of the request for a height waiver for the remodel of Mr. West's condo at 1106 W. 6th, Unit 301.

I believe granting the height waiver is appropriate for the following reasons:

1. The immediate area currently has a healthy mix of residential and commercial uses with Whit Hanks across the street and Z-Tejas right next door. This construction renovates existing residences and thus reinvests in valued residential space in the midst of this growing commercial area.
2. These condominiums are virtually surrounded by very large oak and pecan trees that screen the unit from the street and neighbors.
3. The remodel enhances and blends well with the Encinal and its neighbors. The project will increase the prestige of the area and thus its overall property value.

Sincerely,



David Swin

April 5, 2004

City of Austin Planning Commission  
P.O. Box 1088  
Austin, TX 78767

RE: 1106 W. 6<sup>th</sup>, Unit 301  
Property of Melton West

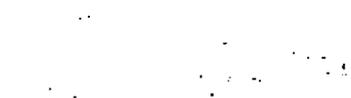
To Whom It May Concern:

I am writing you in support of the improvements on the above address. I understand that modifications were necessary to address structural problems and that the modifications will bring the unit in line with current fire and building code. I believe the building's additional height will not be obtrusive and will upscale the entire condominium complex and surrounding area. The renovations should increase property values and consequently the tax base.

I am a native of Austin and have lived primarily in the 78703 and 78704 areas since 1950. I witnessed the development of that specific area and am familiar with the Encinal Condominiums. The revitalization of the area, including the new Whole Foods office building only one block away, is complemented by the upgrade of this property.

I am in full support of granting the height waiver. Thank you for your attention in this matter.

Sincerely,



Dwight Spears  
2210-A Quarry Rd  
Austin TX 78703  
Phone: 512-236-8900

City of Austin - Planning Commission

City of Austin Planning Commission  
P.O. Box 7988  
Austin, TX 78767

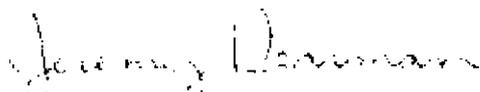
Dear City of Austin Planning Commission,

I have been a Realtor in Austin for 5 years. Clarksville is one of my favorite neighborhoods in Austin.

I am writing to you to urge you to give Melton West at 1106 W. 6th Unit 301 a height waiver. The new structure would blend in beautifully with the present aesthetic theme, and would **INCREASE** the property values of the area.

Please give Mr. West a height waiver.

Sincerely,

  
Jeremy Deaman  
512-657-3147

2407 Winstead Lane - 6  
Austin, TX 78703-5004

5 April, 2004

Gary Lane  
10235 Scull Creek Dr  
Austin, TX 78730

City of Austin Planning Commission  
PO Box 1088  
Austin, TX 78767

To Whom It May Concern:

I would like to write a few lines in support of my friend, Melton West. He is attempting to renovate his condominium at Encinal (1106 W 6<sup>th</sup> Street, Unit 301).

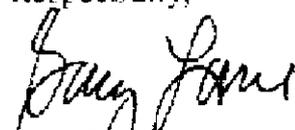
As a long-time resident of Austin (more than 30 years), I've noted that growth in this city is inevitable. Even through the ups and downs, the city continues to expand and the property values continue to rise.

What I believe Mr. West is attempting to do is to enhance the value of his home and the other condominiums in Encinal, as well as the surrounding area. It will afford him a beautiful view of the city, while remaining unobtrusive behind large trees and set back from the street.

My hope is that you would give serious consideration to allowing him to make these improvements to his property.

Thank you for your time.

Respectfully,

  
Gary Lane

Courtney, Lynda

A15

**From:** Deborah Wallace [whereisdeborah@sbcglobal.net]  
**Sent:** Monday, April 12, 2004 11:30 PM  
**To:** Lynda.Courtney@ci.austin.tx.us; jmvcoitez@hotmail.com; cidg@galindogroup.com; Matt.PC@Newurban.Com; ns@ecpi.com; Cynthia.Medlin@sbcglobal.net; sully@jump.net; MaggieArmstrong@hotmail.com; chrisriley@rusklaw.com  
**Cc:** Karens@austin.rr.com  
**Subject:** Encinal Condo Project: Opposition to waiver of compatibility standards

Handwritten: 4/12/04

Mr. Chris Riley  
Vice Chair of the Planning Commission and Commission Members City of Austin  
P.O. Box 1088 Austin, Texas 78767

Subject: SDC 03 0023W  
Encinal Condominium project: Request for Waiver to Compatibility Standards at 1106 West 6th Street, Unit 301, Edilton West Residence

Dear Vice Chair Riley and Commission Members:

I am writing to you concerning the request for a waiver for the above-referenced project. Specifically, I would like you to know that the OWANA Steering Committee voted unanimously on April 5, 2004 to oppose the granting of this waiver. In addition, OWANA members and neighbors who live close by this project protest against and oppose the granting of any waiver which would allow the structure at 1106 West 6th Street #301 to fail to comply, in any manner, with the compatibility standards delineated in the City of Austin Land Development Code.

The Austin Land Development Code, Volume 2, Section 25-2-1081, allows your commission to grant a waiver to compatibility standards as Mr. West is requesting, if the waiver is "appropriate and will not harm the surrounding area". We believe that a waiver is not appropriate in this case. The Old West Austin Neighborhood Plan, passed by the City Council in June 2000 as an Ordinance, in Section A (Regarding Land Use/Zoning), under Objective 2.3 of Goal 2 - Protect the Character of the Neighborhood, Action 7 states the need to "Have a zoning inspector available to spend up to 8 hours per week in the neighborhood. If necessary, increase staff in Inspections Division of the Development Review and Inspection Department. (City Action Item: DRTD)." It is quite clear that the basic need behind the unequivocal statement of this Neighborhood Plan objective has been the history of people gambling that they won't get caught and going ahead with building whatever they want, without compliance to code, knowing that if they get caught the consequences won't be very serious and they can simply request a waiver and complete their project. The surrounding OWANA property owners feel strongly that in order to protect the neighborhood, no waiver is appropriate in this case. A waiver is not appropriate in terms of height because it is not compatible with the SF zoned property within 100 feet of it, and because this construction harms the surrounding area by diminishing property values because it represents such a visual blight in the neighborhood.

In November of 2003 the applicant reported that he worked with his condo association for 2 years to get approvals for his construction, but said that he "was unaware of OWANA". Since becoming aware of OWANA, Mr. West, the applicant, and his attorney, Mr. J. Bradley Greenblum, have requested to be put on the agenda to speak about this construction at two OWANA general Membership meetings. Members of the Zoning subcommittee have also met with them about the concerns of the neighbors, as has an owner of SF zoned property within 100 feet.

Neighbors report an impression that the applicant has acted in bad faith throughout the entire process, and this factor alone is significant in denying any height or elevation waiver. The granting of a waiver in this case carries with it the risk of setting a potentially disastrous precedent to others who will be tempted to risk moving forward on a construction project that is not in compliance with code, taking the risk that if caught they can simply obtain a waiver and then proceed. Granting a waiver would set a precedent which would represent an undermining of City ordinances and codes, and an erosion of the protection that property owners and residents rely upon their zoning to afford them. Our Neighborhood Plan specifically addresses the concern about code compliance because we have learned that the development pressures in our neighborhood are such that people are willing to take the chance of operating beyond the law, recognizing that the consequences, if caught, are not great. In order to discourage this kind of behavior, it is obvious that the consequences of taking this kind of gamble need to be made more serious, and need to be stringently enforced.

MS  
1/20/00

While there has not been a motion at a General membership meeting of our neighborhood association specifically relating to this project, a motion addressing the importance of code compliance was passed unanimously last year. As you must realize, waivers not only undermine the ordinance but also disempower City staff, like Mr. Konrad, who are charged with enforcing it. We would like to ask you to let our neighborhood know that you will protect us and our properties by denying this waiver, and by stringently enforcing compliance of all zoning codes and compatibility standards.

With Regards,

Deborah Wallace  
GWANA resident

W MICHAEL MURRAY

January 5, 2004

The Planning Commission of Austin, Texas

Dear Commission Members:

I am writing to support the application of Melton West to waive the compatibility height restrictions so that he may complete the modifications to his condominium unit at the Encinal Condominiums.

I am President of the Encinal Condominium Owners Association. In this position, I am also Chairperson of the Board of Directors. I would first like to state that Mr. West's proposed changes to his unit were properly submitted to the Board and the Association on several occasions. In no case was any opposition, either verbal or written, received by the Board prior to Mr. West's receiving final approval to go forward with construction. Since construction on the project has been stopped, I have personally discussed the situation with two owners, only one of whom still opposes the modifications. I believe that the opposition arose because of the negative visual impact of the unit in its current state.

Since the overall height of the condominium project already exceeds the proposed height of Mr. Melton's unit, I do not believe that granting his requested waiver will have any negative effect on the project. Personally, I believe that the changes that Mr. Melton has proposed will be beneficial to the entire condominium project and will enhance the overall aesthetics and value of the project.

Sincerely,



W. Michael Murray

David Gentry  
Gentry Custom Frames  
1500-a W. 5<sup>th</sup> St.  
Austin, TX 78703

April 3, 2004

Planning Commission  
City of Austin  
P.O. Box 1088  
Austin, TX 78767

Dear Commission:

Please consider Melton West's zoning variance for his condominium at the Encinal, 1106 W. 6th St.

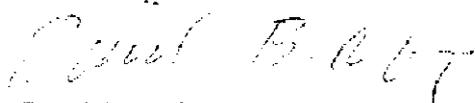
I am very familiar with this neighborhood, as I own a picture framing business two blocks west, and one block south of his condo. In my opinion, his proposal is not out of character with the existing structures along the adjacent blocks of 6<sup>th</sup> St.

I frequent the businesses along that block of 6<sup>th</sup> St. every week, and have considered Melton's project for some time—often while walking to Sweetish Hill, Z Tejas, or Whit Hanks. The complex is built up the side of a hill, and his proposed addition's height does not appear out of character with the existing structures. Though it may technically exceed the zoning specifications, in relation to the adjacent property, it seems to blend right in with the steep hillside. The entire property is nicely shielded with huge live oaks that provide a significant buffer to the street.

I have visited the Encinal, and I do not see that his proposed project would be deleterious to his neighbors' property or views. In fact, the rest of the property seems to be in a state of decline, and his addition may encourage a renaissance of renovation for all of the units.

To conclude, I support Melton West's petition for a variance.

Sincerely,



David B. Gentry

**Kirk S. Petersen**  
**12440 Alameda Trace Circle, #1518**  
**Austin, TX 78727**  
**(512) 750-6879**

April 5, 2014

City of Austin Planning Commission  
1000 Bldg 1068  
Austin, TX 78767  
Rm 1106A, 700 Street, Unit 301

Mr. William McLean, Architect

I am writing to express my views and opinions in support of the Height Waiver Request submitted to you by Mr. McLean West. It is important to note that I hold a real estate license with the State of Texas and presently work as a mortgage servicer for the oldest alternative lender in Texas. I have a degree in civil engineering and have worked on numerous development projects throughout Texas.

As a long-time resident of Austin, I am very familiar with properties in the Clarksville/Castle Hill area. In fact, I have owned and worked in the area, both just a few blocks from his home. I am also familiar with the improvements that Mr. West is planning for his house at 1518. I applaud the proposed improvements and feel that the improvements create a wonderful example of a well-maintained property in the area. I also know that the rather obnoxious through-traffic associated with the current zoning change, whichever it is, will be kept in mind that neighborhoods are growing and changing, or they are dying and deteriorating – never are they static.

Reasons to grant the variance are due to the following dates:

- The improvements proposed are in line with other improvements being made in the area and are aesthetically pleasing to those and hardly visible from the street or surrounding properties.
- The fact that the area is predominantly commercial and on a very busy street. Any construction that would encourage residential use in the area would be a benefit to other residences in the area, as well as surrounding businesses.
- The improvements will increase the property values of other units at 1518 as well as surrounding residential properties. This means that the tax basis increases. With current budget challenges, I think it is in the best interests of the Commission, the City, and Austin residents to collect as much revenue as possible from these sorts of projects.
- Current challenges in the area are taller than the improvements proposed by Mr. West. It would be particularly unjust to require to improve his property as others in the area have improved theirs.
- Improvements proposed by Mr. West secure the safety and structural integrity of the building. This will benefit other residents of 1518 as well as that of surrounding properties. It is my understanding that the building was in compliance with any building codes at the time of original construction. Obviously, the improvements should bring a number of items up to current 2014 standards.

Please feel free to contact me, as indicated above, at anytime, with your questions or to verify the authenticity of this letter.

Best Regards,



Kirk S. Petersen

WAYNE BAILEY, P.C.  
Attorney At Law  
2750 Justin Lane, Suite 115  
Austin, Texas 78757  
(512) 363-8376; Fax: (512) 380-0864

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April 1, 2004

City of Austin Planning Commission  
P.O. Box 1088  
Austin, TX 78768

Re: Height Waiver at 1106 W. 6<sup>th</sup> Street Unit 301  
Property Owner: Melton West

Dear Sirs,

I am writing in support of the application for waiver of height restriction filed by Melton West, the owner of the property referenced above.

I grew up in and around the Austin area and moved back here after attending law school in Houston. I appreciate the unique flavor of the Austin experience and have no desire to see the quality of life diminished by building projects that damage that uniqueness in anyway.

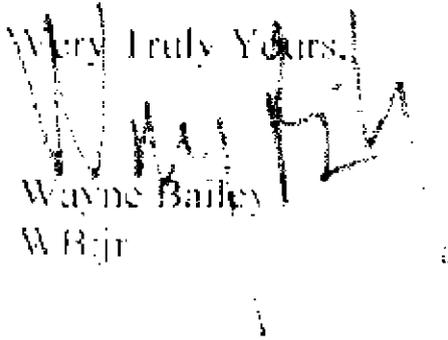
I have known Mr. West for some time and have had the opportunity to visit him in his home on many occasions. He has hosted fundraisers for both local and national charities at his property. The Linnal is wonderful enclave in the midst of several commercial properties and is an example of urban living at its best. Mr. West's planned addition to the property in no way diminishes that experience and in fact, in my opinion, only serves to strengthen the character and beauty of the neighborhood and increase his neighbors' property values.

The planned addition will not be a black eye, painfully obvious to all who pass by. In fact, the completed addition will not be as tall as several existing buildings in the vicinity, most notably the MSD Building and the Garden Condominiums at 1115 W. 6<sup>th</sup>. In any event, because the Linnal is located on a heavily treed lot with many mature oak trees,

and because the canopies of the trees, together with the setback of the buildings, obscure the buildings from the street, the increased height would go unnoticed by most anyway.

Accordingly, I lend my support for Mr. West's application and ask that his plans be approved as submitted.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Wayne Bailey". The signature is written in a cursive, somewhat stylized font. It is positioned above the printed name and initials.

Wayne Bailey

WB:jr

April 4th, 2004

City Planning Commission  
City of Austin  
Austin, TX

RE: Motion West Height Waiver Request for 1106 W 6th St

Dear Commission Members

I have been watching the construction of the top floors of the new commercial building at 1106 West 6th Street in Austin, Texas. After thinking about the apparent storage of the project, I was pleased to see the use of the work stop when in place. I think that the project is an asset to the central business district and the surrounding community.

The height of the structure should not be an issue because of the blending of the structure with the surrounding buildings, as well as the scope of the project. There are structures with similar heights and architectural styles in the area, and the property under review in Austin. There are many trees and landscaping with mature elevations as one travels up the hill.

Mr. West has apparently taken great care in carefully planning an aesthetically appealing structure. It is a structure with large steel beams supporting it. This not only improves the structure, but also improves the surrounding properties because of the steel reinforcement. He has also provided the...

As a City of Austin property owner, I would hope that more residential structures in Austin would be built with steel reinforcement and with such careful blending into the city's past.

Thank you for a successful height waiver for Mr. West to complete the construction and renovation of 1106 W 6th Street.

Respectfully

John S. Hogg MD

4109 Jefferson Street  
Austin, Texas 78731  
April 2, 2004

City of Austin Planning Commission  
P O Box 1088  
Austin, Texas 78767

Re: Encinal Condominium construction

Dear Planning Commission:

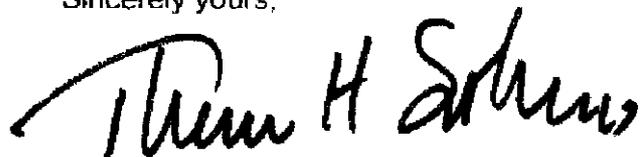
I have resided in central Austin for the last 20 years and enjoy the architectural integrity of our city. I am writing in regard to the construction in the Encinal Condominiums, specifically 1106 W 6th Street, Unit 301, 78703.

This Condominium has many special features which include a very sloped grounds and varying heights of the units as well as tall trees. The current structural improvement, which can be determined by its completed skeleton, harmonizes with and complements the existing neighboring structures. The slope of the property allows the new construction to blend in with its environment inconspicuously.

In my opinion, the improvements fit in well with the immediate surrounding area, which includes buildings of a greater height than this structure. It also balances the newer downtown construction of urban residences.

I support the allowance of a waiver to complete the construction on this project.

Sincerely yours,

A handwritten signature in black ink that reads "Thomas H. Smith". The signature is written in a cursive style with a large, sweeping initial 'T'.

Thomas H Smith, MD

Terry M. Franz  
1904 Kenwood  
Austin, Texas 78704  
512-447-8768  
[tmfranz@airmail.net](mailto:tmfranz@airmail.net)

April 4, 2004

City of Austin Planning Commission  
PO Box 1088  
Austin, Texas 78767

Dear Planning Commissioners:

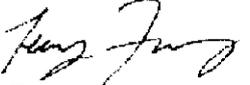
Please consider my letter in support of Melton West's request for a waiver for the height of his residence at 1106 West 6<sup>th</sup> Street, Unit 301. I am a 19-year Austin resident, and for 15 of those years I have lived in Austin's inner-city. I love Austin and plan to spend my life here.

The height of Mr. West's residence is not noticeable except from a few points in the neighborhood. The topography of the area and the many trees in the neighborhood conceal his residence from most vantage points, even on the streets nearest to his property. In fact, the height of his residence is consistent with heights of several other nearby residences, including the Garden Condominiums, residential suites in the AISD complex, and several residences on nearby Baylor Street.

Secondly, the improvements he is making to his property will enhance the value of his and his neighbors' properties.

Thank you for your consideration. I hope you will support Mr. West's variance request for his residence.

Sincerely,

  
Terry M. Franz

# A. Arro Smith

909 West 29<sup>th</sup> Street, Austin, Texas 78705 512/294.8646

2 April, 2004

City of Austin Planning Commission  
P.O. Box 1088  
Austin, TX 78767

Dear Commission Members:

I understand that Mr. Melton West of 1106 West Sixth Street is petitioning your Board for a zoning variance. I urge you to approve Mr. West's request for two main reasons:

Mr. West has lived in Austin for many years, and understands the unique texture and tenor of central Austin. I have great faith that his proposed addition will blend into the eclectic blend of architecture already present on West Sixth Street. I have reviewed his plans, and find them aesthetically compelling.

I have been a friend of Mr. West for many years. Before his current construction project began, I was privileged to be a guest at his apartment for many charitable functions. He is a dedicated philanthropist that has unselfishly raised thousands of dollars for deserving organizations. It is rare to find a private home so well suited for small charity functions. With its location on West Sixth Street, there is always plenty of parking; and it is easy to find without disturbing the neighbors. I am confident that his proposed addition will continue to serve many in the community through his networking generosity.

Thank you for your consideration.



April 3, 2004

City of Austin Planning Commission  
P.O. Box 1088  
Austin, TX 78767

Dear Sirs

I am writing regarding the renovation efforts of Melton West at the Encinal Condominiums, 1106 W. 6<sup>th</sup>, Unit 301, Austin.

I came to Austin 40 years ago from Houston. I remember when the Austin's population was about 60,000. I am very familiar with this neighborhood. I have lived in the immediate neighborhood, and I have many fiends who have lived in the neighborhood.

I remember when the Encinal was constructed. There was some controversy that the complex was destroying a family neighborhood. Now it is one of the few remaining residences actually on 6<sup>th</sup> Street, surrounded by businesses.

I do not feel that the new height of the structure does any harm to the area. The Encinal is surrounded by commercial properties, and there are several taller buildings within a block. I feel that Mr. West's unit is actually hard to see from much of the surrounding neighborhood. I have tried to point it out to friends while driving through the vicinity, and it is hidden behind trees and other buildings. When one does get into a position to clearly see the complex, I feel that Mr. West's unit compliments the whole.

It is my belief that Mr. West deserves the opportunity to complete his project. I understand that he has tried to work with the City to arrange satisfactory compromises and that the work actually includes structural improvements. I hope that the City will find a way to allow the work to successfully go forward.

Thank you for your time on this matter.

Sincerely,



Dennis Ciscel  
8023 Doe Meadow Dr.  
Austin, TX 78749

**JIM CARUTH**

1811 SANTA CLARA ST. • AUSTIN TX 78757  
PHONE 512-453-8878

April 5, 2004

City of Austin Planning Commission  
P.O. Box 1088  
Austin TX 78767

To the Planning Commission:

I am writing to support Melton West's residential construction project at 1106 West Sixth Street. Although the addition to his residence rises beyond the height restriction for that property, it does so by only a few feet. I feel that the few extra vertical feet that the construction requires does not detract from the property or from the neighborhood. There are other buildings in the immediate vicinity that are taller.

Melton West's partially constructed addition has been in existence for well over a year. I have seen it many times. The variable, stair-stepped elevations of the buildings at 1106 West Sixth Street allow the Melton West's addition to fit in with the surrounding buildings. Also, the area's varying ground elevation places other buildings at a higher absolute elevation, although they may not be as tall as Mr. West's addition. Consequently, Mr. West's addition doesn't protrude noticeably, as it might in an area of flat topography and structures of uniform height.

I hope that the Planning Commission will grant a waiver to the height restriction and allow Melton West to complete his addition.

I live in Brentwood, and as a former member of the Brentwood Neighborhood Association's steering committee, I am sensitive to neighborhood planning decisions. I have lived in Austin since 1995, and also lived in Austin from 1973 to 1979.

Thanks for your consideration.

Sincerely,



Jim Caruth

April 4, 2004

City of Austin Planning Commission  
P.O. Box 1088  
Austin, Texas 78767

Dear Planning Commission Members:

As a long-term resident of the Austin community, I feel compelled to express my dismay over the halt of the construction/remodeling project at 1106 W. 6<sup>th</sup> St., Unit 301. I feel that a waiver should be granted to Melton West in order for the construction to continue, as there is no reasonable explanation as to why it should not. Surrounding the property, there are several other residential buildings that exceed the height and with much more intrusive and obvious appearance than what this Encinal property will have once completed. This property expansion is so inconspicuous that those walking and driving down 6<sup>th</sup> Street more often than not, will never notice any change. Helping this inconspicuous appearance is the fact that the new construction blends into the existing structure and complex and I feel will only increase the property valuation of the surrounding units and properties. In addition to a blended appearance of the architecture, there are beautiful and very large trees surrounding the structure and property that almost completely hide the structure from the primarily commercial area around the property.

Thank you for your attention to planning matters that are very important to our community. I hope that you will grant Melton West with the necessary approval to complete this project, which will only add value and beauty to our wonderful city!

Sincerely,



Steve Overman  
3105 Lafayette Avenue  
Austin, Texas 78722  
soverman@austin.tx.com

5624 Woodrow Avenue  
Austin, Texas 78756

April 4, 2004

City of Austin Planning Commission  
Post Office Box 1088  
Austin, TX 78767

To the Members of the Planning Commission:

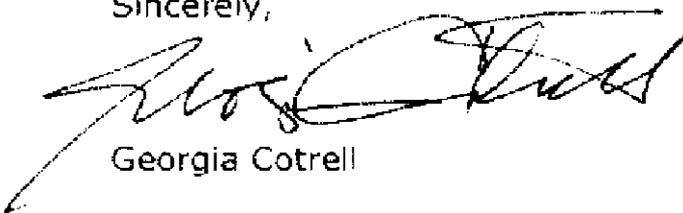
This is in support of Melton West's application for a height waiver for his home at 1106 West 6<sup>th</sup> Street, Unit 301, of the Encinal Condominiums. I am a long-time resident of Austin, having moved here from San Antonio in 1971.

Frankly, I have never understood why there's been any issue whatsoever with the height of Melton's beautiful condo redesign. With those huge oaks and pecans in front, you can barely see his place from 6<sup>th</sup> Street. And there are *definitely* more than just a few buildings very close by Encinal that are obviously taller than Unit 301.

I feel that his creative and attractive design is going to do nothing more or less than vastly improve the Encinal, as well as the OWANA area in general.

I urge you to grant him this waiver and allow the project to come to completion.

Sincerely,

A handwritten signature in black ink, appearing to read "Georgia Cotrell", written in a cursive style. The signature is positioned above the printed name.

Georgia Cotrell

1800 Rainy Meadows  
Austin, TX 78757

City of Austin Planning Commission  
P.O. Box 1088  
Austin, TX 78767

April 3, 2004

To Whom It May Concern:

I have known and respected Melton West for ten years. During this time, he has been a responsible citizen of Austin, Texas. He has strived to be a good citizen and improve the quality of Austin as a city. I am writing this letter to request that you grant a waiver regarding the height of the new construction at 1006 W. 6<sup>th</sup> Street, Unit 301.

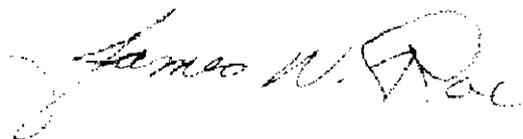
There are several reasons that I do so. Firstly, the property is surrounded on three sides by commercial property, Z-Tejas, Whit Hanks Furniture and AISD complex across the street. Secondly, the property is on 6<sup>th</sup> street a commercial street. Finally, there are several properties nearby that are taller than the construction for which Mr. West is requesting a waiver. These properties are: 1) the Garden Condominiums at 1115 W., 2) the AISD complex's residential suites and 3) several residences on Baylor street.

Because of the other structures at the same height or higher, the commercial nature of the area, the mature trees that shield the expansion and the fact that the expansion adds value to the existing properties in the complex, I believe it is quite appropriate that a height waiver be granted. Mr. West has always been tasteful in his approach to his property, both inside and out. The small extra height will not be obtrusive or even really seen because of the large trees.

Again, I am requesting that you approve the height waiver for Mr. West's property at 1006 West 6<sup>th</sup> Street.

I do thank you for giving me an opportunity to express my views.

Sincerely,

A handwritten signature in black ink that reads "James N. Roe". The signature is written in a cursive style with a large initial "J" and "R".

James N. Roe

April 5, 2004

City of Austin Planning Commission  
P.O. Box 1088  
Austin, TX 78767

RE: 1106 W. 6<sup>th</sup>, Unit 301  
Property of Melton West

To Whom It May Concern:

I am writing you in support of the improvements on the above address. I understand that modifications were necessary to address structural problems and that the modifications will bring the unit in line with current fire and building code. I believe the building's additional height will not be conspicuous and will upscale the entire condominium complex and surrounding area. The renovations should increase property values and consequently the tax base.

I am a native of Austin and have lived primarily in the 78703 and 78704 areas since 1950. I witnessed the development of that specific area and am familiar with the Encinal Condominiums. The revitalization of the area, including the new Whole Foods office building only one block away, is complemented by the upgrade of this property.

I am in full support of granting the height waiver. Thank you for your attention in this matter.

Sincerely,



Dwight Spears  
2210-A Quarry Rd  
Austin TX 78703  
Phone: 512-236-8900

[dwight@dwightspears.com](mailto:dwight@dwightspears.com)

April 5, 2014

Thom Washington  
1304 Summit Street, Unit 214  
Austin, Texas 78741

To the Members of the Planning Commission:

I have been recently made aware of the proposal for a waiver of zoning restrictions in regards to the home improvement to Unit 301 at 1106 W. 6<sup>th</sup> St. I would like to voice my support for waiving these restrictions. I can understand the need for such regulations as they ensure the integrity of the neighborhood. However, I can not see that the modifications that Mr. West is proposing would detract from the integrity of the neighborhood but rather it seems to me to be a vast improvement. I do not find that this construction, when completed, will cause the structure to be out of proportion to the other buildings around it, nor would it be easily visible from any of the adjoining streets.

I have always enjoyed the architectural styles of the buildings in Old West Austin and I would be vehemently opposed to anyone who would build a structure that would take away from the neighborhood character. In my opinion this project can only serve to add to people's enjoyment of the city. Additionally, the owners of the project have invested a great amount of capital into the renovations and to deny the waiver would be financially debilitating to them.

Once again, please include me as very much in favor for Mr. West's request for a waiver to the restrictions that are blocking this much anticipated progress.

Sincerely,

Thom Washington  
407-3658



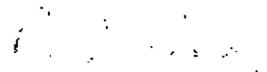
April 5, 2004

City of Austin Planning Commission  
P.O. Box 1088  
Austin, TX 78767

RE: Request for height waiver at 1106 W. 6<sup>th</sup> Street, Unit 301

I am writing in support of Mr. West's application for a height waiver for his home at 1106 W. 6th St. As a long time resident of Austin, residing at 1300 Norwood Rd. on property that adjoins the old airport, I am very familiar with the many changes occurring in our city. I feel that the changes that Mr. West wishes to incorporate into his residence will not only increase its value, but also that of his neighbor's properties and the general area as well. As a taxpayer and registered voter, I urge a favorable ruling for his application.

Respectfully,



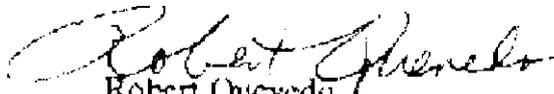
Paul Raney,  
1300 Norwood Road  
Austin, TX 78722  
512-517-2748

City of Austin Planning Commission  
P.O. Box 1088  
Austin, TX 78767

The purpose of this letter is to request a height waiver for the new construction on Unit 301 at 1106 W 6<sup>th</sup> Street.

My name is Robert Quevedo and I have lived in Austin for the past 7 years. I have had the pleasure of spending time in the shops, restaurants and galleries with friends and family in or about the 1100 block of West 6<sup>th</sup> street. Much to my surprise the Encinal complex is never noticed. Even with Melton West's expansion to his property, I still find myself pointing out the complex and the buildings to them. The tall old trees and the surrounding buildings do an excellent job of helping the complex blend in. The complex has uniqueness to it and its integrity is not being compromised by the construction. It would add a more distinct character to it. The change would definitely improve not only the appearance of the property but also add value to it.

Sincerely,

  
Robert Quevedo  
7104 Tesoro Trail  
Austin, TX 78729

April 4, 2004

David Swin  
1707 Mariposa Drive  
Austin TX 78743

City of Austin Planning Commission  
P.O. Box 1088  
Austin TX 78767

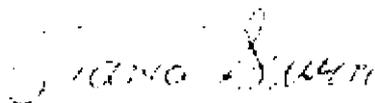
Dear Planning Commission,

I am a have lived in Austin since escaping Oklahoma in 1985. I have owned property in Austin since 1987. I am writing you in support of the request for a height waiver for the remodel of Mr. West's condo at 1106 W. 6th, Unit 301.

I believe granting the height waiver is appropriate for the following reasons:

1. The immediate area currently has a healthy mix of residential and commercial uses with Whit Hanks across the street and Z-Tejas right next door. This construction renovates existing residences and thus reinvests in valued residential space in the midst of this growing commercial area.
2. These condominiums are virtually surrounded by very large oak and pecan trees that screen the unit from the street and neighbors.
3. The remodel enhances and blends well with the Encinal and its neighbors. The project will increase the prestige of the area and thus its overall property value.

Sincerely,



David Swin

April 5, 2004

City of Austin Planning Commission  
P.O. Box 1088  
Austin, TX 78767

RE: 1106 W. 6<sup>th</sup>, Unit 301  
Property of Melton West

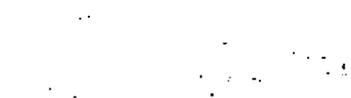
To Whom It May Concern:

I am writing you in support of the improvements on the above address. I understand that modifications were necessary to address structural problems and that the modifications will bring the unit in line with current fire and building code. I believe the building's additional height will not be obtrusive and will upscale the entire condominium complex and surrounding area. The renovations should increase property values and consequently the tax base.

I am a native of Austin and have lived primarily in the 78703 and 78704 areas since 1950. I witnessed the development of that specific area and am familiar with the Encinal Condominiums. The revitalization of the area, including the new Whole Foods office building only one block away, is complemented by the upgrade of this property.

I am in full support of granting the height waiver. Thank you for your attention in this matter.

Sincerely,



Dwight Spears  
2210-A Quarry Rd  
Austin TX 78703  
Phone: 512-236-8900

City of Austin - Planning Commission

City of Austin Planning Commission  
P.O. Box 7988  
Austin, TX 78767

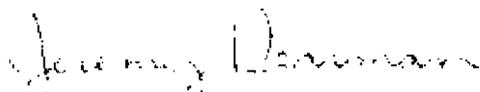
Dear City of Austin Planning Commission,

I have been a Realtor in Austin for 5 years. Clarksville is one of my favorite neighborhoods in Austin.

I am writing to you to urge you to give Melton West at 1106 W. 6th Unit 301 a height waiver. The new structure would blend in beautifully with the present aesthetic theme, and would **INCREASE** the property values of the area.

Please give Mr. West a height waiver.

Sincerely,

  
Jeremy Deaman  
512-657-3147

2407 Winstead Lane - 6  
Austin, TX 78703-5004

5 April, 2004

Gary Lane  
10235 Scull Creek Dr  
Austin, TX 78730

City of Austin Planning Commission  
PO Box 1088  
Austin, TX 78767

To Whom It May Concern:

I would like to write a few lines in support of my friend, Melton West. He is attempting to renovate his condominium at Encinal (1106 W 6<sup>th</sup> Street, Unit 301).

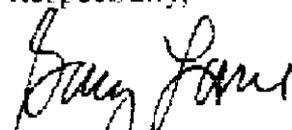
As a long-time resident of Austin (more than 30 years), I've noted that growth in this city is inevitable. Even through the ups and downs, the city continues to expand and the property values continue to rise.

What I believe Mr. West is attempting to do is to enhance the value of his home and the other condominiums in Encinal, as well as the surrounding area. It will afford him a beautiful view of the city, while remaining unobtrusive behind large trees and set back from the street.

My hope is that you would give serious consideration to allowing him to make these improvements to his property.

Thank you for your time.

Respectfully,

  
Gary Lane

Courtney, Lynda

A15

**From:** Deborah Wallace [whereisdeborah@sbcglobal.net]  
**Sent:** Monday, April 12, 2004 11:30 PM  
**To:** Lynda.Courtney@ci.austin.tx.us; jmvcoitez@hotmail.com; cidg@galindogroup.com; Matt.PC@Newurban.Com; ns@ecpi.com; Cynthia.Medlin@sbcglobal.net; sully@jump.net; MaggieArmstrong@hotmail.com; chrisriley@rusklaw.com  
**Cc:** Karens@austin.rr.com  
**Subject:** Encinal Condo Project: Opposition to waiver of compatibility standards

Handwritten: 4/12/04

Mr. Chris Riley  
Vice Chair of the Planning Commission and Commission Members City of Austin  
P.O. Box 1088 Austin, Texas 78767

Subject: SDC 03 0023W  
Encinal Condominium project: Request for Waiver to Compatibility Standards at 1106 West 6th Street, Unit 301, Edilton West Residence

Dear Vice Chair Riley and Commission Members:

I am writing to you concerning the request for a waiver for the above-referenced project. Specifically, I would like you to know that the OWANA Steering Committee voted unanimously on April 5, 2004 to oppose the granting of this waiver. In addition, OWANA members and neighbors who live close by this project protest against and oppose the granting of any waiver which would allow the structure at 1106 West 6th Street #301 to fail to comply, in any manner, with the compatibility standards delineated in the City of Austin Land Development Code.

The Austin Land Development Code, Volume 2, Section 25-2-1081, allows your commission to grant a waiver to compatibility standards as Mr. West is requesting, if the waiver is "appropriate and will not harm the surrounding area". We believe that a waiver is not appropriate in this case. The Old West Austin Neighborhood Plan, passed by the City Council in June 2000 as an Ordinance, in Section A (Regarding Land Use/Zoning), under Objective 2.3 of Goal 2 - Protect the Character of the Neighborhood, Action 7 states the need to "Have a zoning inspector available to spend up to 8 hours per week in the neighborhood. If necessary, increase staff in Inspections Division of the Development Review and Inspection Department. (City Action Item: DRTD)." It is quite clear that the basic need behind the unequivocal statement of this Neighborhood Plan objective has been the history of people gambling that they won't get caught and going ahead with building whatever they want, without compliance to code, knowing that if they get caught the consequences won't be very serious and they can simply request a waiver and complete their project. The surrounding OWANA property owners feel strongly that in order to protect the neighborhood, no waiver is appropriate in this case. A waiver is not appropriate in terms of height because it is not compatible with the SF zoned property within 100 feet of it, and because this construction harms the surrounding area by diminishing property values because it represents such a visual blight in the neighborhood.

In November of 2003 the applicant reported that he worked with his condo association for 2 years to get approvals for his construction, but said that he "was unaware of OWANA". Since becoming aware of OWANA, Mr. West, the applicant, and his attorney, Mr. J. Bradley Greenblum, have requested to be put on the agenda to speak about this construction at two OWANA general Membership meetings. Members of the Zoning subcommittee have also met with them about the concerns of the neighbors, as has an owner of SF zoned property within 100 feet.

Neighbors report an impression that the applicant has acted in bad faith throughout the entire process, and this factor alone is significant in denying any height or elevation waiver. The granting of a waiver in this case carries with it the risk of setting a potentially disastrous precedent to others who will be tempted to risk moving forward on a construction project that is not in compliance with code, taking the risk that if caught they can simply obtain a waiver and then proceed. Granting a waiver would set a precedent which would represent an undermining of City ordinances and codes, and an erosion of the protection that property owners and residents rely upon their zoning to afford them. Our Neighborhood Plan specifically addresses the concern about code compliance because we have learned that the development pressures in our neighborhood are such that people are willing to take the chance of operating beyond the law, recognizing that the consequences, if caught, are not great. In order to discourage this kind of behavior, it is obvious that the consequences of taking this kind of gamble need to be made more serious, and need to be stringently enforced.

MS  
1/20/00

While there has not been a motion at a General membership meeting of our neighborhood association specifically relating to this project, a motion addressing the importance of code compliance was passed unanimously last year. As you must realize, waivers not only undermine the ordinance but also disempower City staff, like Mr. Konrad, who are charged with enforcing it. We would like to ask you to let our neighborhood know that you will protect us and our properties by denying this waiver, and by stringently enforcing compliance of all zoning codes and compatibility standards.

With Regards,

Deborah Wallace  
GWANA resident

# Backup Information Packet

A variance request to allow construction of an addition to an existing single-family residence in the 100-year floodplain of Shoal Creek at 2713 Cascade Drive.

## **Packet Contents**

Site Location Map for 2713 Cascade Dr.

View of garage from Greenhaven Dr.

View of area of proposed addition

Letter from Randy Turner



Watershed Protection &  
Development Review Dept.

2713 Cascade Drive

**Legend**

- Approx. FEMA 100-Year Floodplain
- Creek Centerline



The Watershed Protection and Development Review Dept. produced this map for internal use only and as such no warranties are made as to its accuracy or completeness. This map is based on available digital information and may contain known inaccuracies.

COA WPRDR 6/9/2004





2. View of Garage from Greenhaven Dr.



3. View of area of prososed addition

4. Letter from Randy Turner

FROM : JEAN TURNER

IPM P1

**Fax Transmittal**

**To:** Ray Windsor (9 pages)

**From:** Randy Turner  
459-9211

**Date:** May 7, 2004

**Subject:** Request for Variance of Flood  
Ordinance at 2713 Cascade

**Please call me immediately if you need clarifications or more information. As you know, my circumstances require an expedited resolution to this problem.**

**Thanks to you and Todd for your assistance.**

**Randy Turner**  
#713 Cascade Drive  
Austin, Texas 78757  
512 459-9211

May 7, 2004

Mr. Ray Windsor, CFM  
City of Austin  
Watershed Protection and Development Review Department  
Watershed Engineering Division  
208 E. 9<sup>th</sup> Street, Suite 17.160  
Austin, Texas 78701

Re: Request for Variance for Building Permit No. 04005964  
(Lot 36, Block L, Allandale Park Section 3 -- 2713 Cascade Drive)

Dear Mr. Windsor,

Pursuant to our meeting yesterday, I am requesting a variance for the above-referenced property) of the City Building Code which requires that additions to structures in the 100-Year Flood Plain be constructed at least one foot above the base elevation line as provided by FEMA. I am simply requesting to extend the proposed addition 'flush' with the base floor level of my existing home (with no steps or ramps). As it now stands, the City of Austin is requiring me to construct the new base floor some 3.465 inches higher than the rest of the home, which would require steps or ramps to reconcile the differing levels. This is not feasible.

Here are the pertinent facts in this case:

- As the homeowner, I am converting an attached garage into a bedroom and adding 471 square feet to create living quarters for my 87 year-old Mother, who is physically disabled with arthritis, which severely limits her walking and stepping abilities. (A wheelchair is probably in her near future).
- These improvements and additions are simply extensions of the existing home which was constructed in 1966-67. My wife and I have homesteaded this property for 31 years.
- Knowing that our property is located within the 100 Year Floodplain, I sought preliminary guidance from the City's Watershed Protection Department before pursuing a building permit. Your staff directed me to order and pay for a private floodplain survey to determine the exact location of the flood line as it relates to our lot (cost: \$430). At that time, the same staff provided me with a *Base Floodplain Elevation of 684.16'*.
- When the survey was completed by Victor M. Garza, a Registered Surveyor, it showed the following:

*Top of bottom floor (including basement or enclosure) 684.5'*  
*Lowest adjacent (finished) grade 683.4'*  
*Highest adjacent (finished) grade 684.0'*

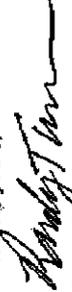
When my new survey was provided to the City's Development Review Staff, the staff told me verbally: "You should be fine with this" (indicating approval). I then continued, with complete confidence that ultimate approval by City Staff was a "done deal".

- I then sought preliminary review of my conceptual plan by the Zoning Review Staff, and was given clearance to proceed with architectural plans— which I did— at an expense of \$4,100.
- On April 27, 2004, (after meeting several new conditions), I was granted a Building Permit, to which, City Staff added the following which had never previously been discussed with me:  
-Approved on condition that finished floor of addition be 1' above 684.16'. Minimum FF = 685.16' "
- With the Building Permit in hand, I proceeded to demolish our patio and cover, which existed at the site of the new construction addition. This has now left large openings into the existing house, which were to be part of attaching the new addition.
- Upon arrival to provide his 'Layout Inspection', the City Inspector refused to let me proceed with the permit, saying: "Somebody will have to prove to me that the new addition is a foot above the flood line". I then appealed to you and the other Engineering Staff to determine if common sense could prevail to allow for expedient completion of this small project.
- I want to point out that the original structure is not one foot above the Base Floodplain Elevation, and that the new addition does not meet the definition of "Substantial addition" as defined in the Code ("Substantial" is defined as being at least 50% of the cost of replacing the original structure). [Our projected cost of the addition is only \$22,000; while replacement cost new of the original structure is approximately \$125,000.]

In this small home, it is not feasible to create ramps or steps as obstacles to be overcome by an elderly and disabled person for the sake of 'saving' 7 inches of height. The solution is simple: Allow a variance to the Code which will allow extension of the original home's floor at a 'flush' level into the new addition.

Your thoughtful and careful consideration of this request will be most appreciated. Please call me if you have questions or need more information.

Sincerely yours,



Randy Turner

attachments